

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

GIUSEPPE MAROTTA et al.,)	
)	
Plaintiffs)	
)	
v.)	C.A. NO. 05-10032-MEL
)	
SUFFOLK COUNTY,)	
Defendant)	
)	
)	

**MOTION TO AMEND COMPLAINT
TO ADD ADDITIONAL PARTY PLAINTIFFS**

Now come the Plaintiffs in this action and move to amend their First Amended Complaint by adding as party plaintiffs the three individuals who have today filed individual consent forms in connection with the Plaintiffs NOTICE OF SECOND FILING OF FLSA CONSENTS TO SUE (these forms will hereinafter be referred to as Consent(s).)” In support thereof, the Plaintiffs state that each such individual who has filed a Consent has been a correction officer employed by the Defendant Suffolk County, and a member of a labor organization, AFSCME Council 93, AFL-CIO, Local 419 (the Union).” The Union and the Defendant Suffolk County are and have been parties to a collective bargaining agreement, which sets forth terms and conditions of employment that uniformly apply to corrections officers and certain other employees assigned to the Suffolk County House of Correction, including hourly rates of pay, and circumstances in which officers are entitled to receive overtime pay and the addition of certain premiums to their normal hourly rate of pay (hereinafter, “premium pay ”). The individuals who

have filed their Consents, therefore, are similarly situated employees within the meaning of 29 U.S.C. § 216(b), and are therefore entitled to intervene in this case as party plaintiffs by filing their Consents. A copy of the Plaintiffs Second Amended Complaint is attached hereto.

The three individuals who have filed their Consents and move to be added as party plaintiffs with today's filing are:

1. Thomas Harris
2. John Gaeta
3. Michael Nephew

Respectfully submitted,

THE PLAINTIFFS

By their attorney,

/s/ Daniel W. Rice

Daniel W. Rice
GLYNN, LANDRY,
HARRINGTON & RICE, LLP
10 Forbes Road
Braintree, MA 02184
(781) 849-8479
BBO # 559269

Dated: February 1, 2005